

EXHIBIT 13
Part 6 of 6

1 and states basically the same reasons as Dr. Reed.

2 Other information bearing upon your
3 unsuitability: You have an escalating pattern of
4 criminal misconduct starting with burglary,
5 progression to armed robberies, assault with a deadly
6 weapon culminating in the senseless murder of the
7 victim with a sawed off shotgun.

8 The panel makes the following findings: Your
9 gains are recent. You must demonstrate an ability to
10 maintain gains over an extended period of time. In
11 view of your assaultive history, your continued
12 negative behavior, and lack of program participation,
13 there is no indication that you would behave
14 differently if paroled. Nevertheless, you should be
15 commended for participating in vocation mill and
16 cabinet, Alcoholic Anonymous, and maintaining a clean
17 disciplinary record since October the 10th, 1992.
18 However, these positive aspects and your behavior do
19 not outweigh the factors of unsuitability.

20 The denial, Mr. Hernandez, is for a period of
21 two years. The hearing panel finds that it is not
22 reasonable to expect that parole would be granted at a
23 hearing during the following two years for the
24 following specific reasons: You committed the offense
25 in an especially heinous, cruel, and atrocious manner
26 in that you had shot and killed the victim with a

1 sawed off shotgun while engaged in a drug transaction.
2 And as a result, a longer period of observation and
3 evaluation is required before the Board can set a
4 parole date.

5 Additionally, a longer period of time is
6 required to evaluate your suitability in view of your
7 long history of criminality and misconduct, including
8 multiple convictions for burglary, robbery, weapons
9 possession, drug abuse, and finally the life crime.
10 The recent psychological/psychiatric report by Dr.
11 Reed dated 1/9/95 indicates a need for a longer period
12 of observation and evaluation and treatment.

13 The panel makes the following recommendations
14 to you: One is that you continue to remain
15 disciplinary free. That you continue to upgrade
16 vocationally. That you participate in self help and
17 therapy programming.

18 And I will give you a copy of our tentative
19 decision today as I indicated earlier. This decision
20 will not become effective until approximately 90 days
21 at which time you will receive your notice from
22 Sacramento. At that time you have 90 days from that
23 date to file an appeal.

24 Does the panel have any comments? Mr. Koenig?

25 COMMISSIONER KOENIG: No, I don't have any.

26 COMMISSIONER GIAQUINTO: Good luck to you.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 5/22/95

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1 PRESIDING DEPUTY COMMISSIONER PLILER: Keep up
2 the set program as you are doing a good job so far.

3 INMATE HERNANDEZ: All right. Thank you.
4 I'll try again.

5 PRESIDING DEPUTY COMMISSIONER PLILER: This
6 concludes the hearing. The time is fifteen after
7 2:00.

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25 PAROLE DENIED TWO YEARS

OCT 0 6 1995

26 EFFECTIVE DATE OF THIS DECISION _____

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 5/22/95

EXHIBIT "16"

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER DECISION FACE SHEET

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR MO DAY

Adjusted Period of Confinement
 Date Life Term Begins +
 At Large Time +
 PAROLE DATE =

MISCELLANEOUS

Denied 2 years remain disciplinary free
 upgrade Vocationally & Educationally
 Participate in self help & therapy programming

PENAL CODE SECTION 3042 NOTICES ☐ SENT (Date)

COMMITMENT OFFENSE

P187 W/P12022.5

(Code Section)

MURDER 2ND USE OF FIREARM (GUN)

(Title)

FRE 336275-3

(Case Number)

01

(Count Number)

Date Received by CDC 7-7-86	Date Life Term Begins 7-7-86	Controlling MEPD 4-5-96
Type of Hearing <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> SUBSEQUENT (Hearing No.) <u>1</u>		If Subsequent Hearing, Date of Last Hearing 5-22-95

Department Representative
 GREG COOK, ASST C&PR

Counsel for Prisoner
 DIANE LUSHBOUGH

Address
 P.O. BOX 1736, CLOVIS, CA 93613

District Attorney Representative
 NONE

County

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

By:

Presiding (Name)	Arthur F. Van Court	Date	7/
Concurring (Name)	[Signature]	Date	22/
Concurring (Name)	[Signature]	Date	97

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
HERNANDEZ, HECTOR	D-33689	NKSP	7/97	7-22-97

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

PRESIDING COMMISSIONER VAN COURT: Mr.

Hernandez, the Panel reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society and a threat to public safety if released from prison. The sentence was carried out in an especially cruel and callous manner. The offense was carried out in a dispassionate and calculated manner. These conclusions are drawn from the Statement of Facts where the prisoner went to the victim's residence to get some heroin, ended up kicking open the door, and had stated, "Give me the gun and give me the chiva," or heroin, and then shot and killed the victim. The prisoner has a record of violence and assaultive behavior, an escalating pattern of criminal conduct and violence, a persistent pattern of tumultuous relationships and criminal behavior which commenced at an early age, an unstable social history, he failed to profit from society's previous attempts to correct his criminality. Such attempts included juvenile probation, CYA commitment, and juvenile camp. An unstable social history and prior criminality which included, but is not limited

1 to at least 17 arrests as a juvenile for everything
2 from grand theft to burglary to assault with a deadly
3 weapon to possession of heroin, possession of a
4 controlled substance, resisting arrest and petty
5 theft, to mention a few. The prisoner has failed to
6 demonstrate evidence of a positive change. Misconduct
7 while incarcerated includes six CDC 115s, 12 128As.
8 However, he does have his classification score down to
9 2. And the psychological, psychiatric report dated
10 April 25th, 1997 by Dr. R. Hall, Ph.D., is not totally
11 supportive. It -- just a second -- in Conclusions and
12 Recommendations, it says, "Inmate Hernandez has a long
13 history of polysubstance abuse and has explored AA
14 groups four months prior to incarceration. Since his
15 incarceration, 7-7-86, Inmate Hernandez has received
16 six CDC 115s and 12 128As to (inaudible) counseling
17 disciplinary. He received numerous laudatory chronos
18 and appears to be programming quite well. Inmate
19 Hernandez chose not to discuss the instant offense,
20 but appeared to be grappling with the deviant
21 behavior. Issues were raised with the inmate in hopes
22 he will avail himself of various psychotherapy groups
23 offered at prison. It is imperative that Inmate
24 Hernandez remain disciplinary free henceforth and
25 continue with his programming. Since his commitment
26 offense involved drug abuse, Inmate Hernandez is

1 encouraged to participate in AA programs and move
2 through the Twelve Steps, possibly staying with the
3 program the rest of his life. Inmate Hernandez was
4 given the name of a staff psychiatric social worker
5 who conducts alcohol abuse programs at NKSP. He is
6 encouraged to participate in this program concurrently
7 with the AA program. The results of Inmate Hernandez
8 TABE testing indicates academic achievement well above
9 the average inmate in general population. He is
10 encouraged to further his vocational skills, gaining
11 certification in multiple disciplines. Inmate
12 Hernandez should take as many self-help programs as
13 possible currently offered at this prison. Focusing
14 on criminal thinking, dealing with the depression,
15 alcohol and substance abuse and process groups. A
16 condition of parole should clearly include AA, drug
17 testing and self-help psychotherapy groups. The --
18 and that was written by Dr. R. Hall, Ph.D." The
19 prisoner needs therapy in order to gain insight on why
20 he committed the crime. Nevertheless, the prisoner
21 should be commended for being disciplinary free --
22 (end of recording on tape 1 of 2, side a. Tape 2 of
23 2, side a:) The prisoner is denied parole for a
24 period of two years. The Hearing Panel finds that
25 it's not reasonable to expect that parole would be
26 granted at a hearing during the following two years.

1 The specific reasons are as follows, and that's -- of
2 course is the crime itself. The prisoner committed
3 the offense in an especially cruel and class manner.
4 Specifically he went to a drug dealer's house with the
5 idea of getting some heroin. But, of course, he was
6 armed with a shotgun and without further ado shot and
7 killed the drug dealer when he kicked the door open.
8 As a result of, a longer period of observation and
9 evaluation is required before the Board should set a
10 parole date. The prisoner has not completed necessary
11 programming, which is essential. We want you to get
12 back and learn all Twelve Steps. Learn them all and
13 stay very active in the AA program. And finish that
14 Mill and Cabinet, because that would guarantee you a
15 good job when you get out, because that's what's
16 important is that you stay working and not out
17 shooting dope and stealing things, okay?

18 INMATE HERNANDEZ: Okay.

19 PRESIDING COMMISSIONER VAN COURT: And the
20 Panel recommends that you remain disciplinary free,
21 upgrade vocationally and educationally and participate
22 in self-help and therapy programming. You're doing
23 well, especially staying away from those disciplinary
24 problems. You've done that for five years. We want
25 to make sure now you can do it for seven. Do you have
26 anything to say, Commissioner Koenig?

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 7/22/97

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1 COMMISSIONER KOENIG: No. Thank you.

2 PRESIDING COMMISSIONER VAN COURT:

3 Commissioner Baker?

4 COMMISSIONER BAKER: No. Thank you.

5 PRESIDING COMMISSIONER VAN COURT: Wish you

6 good luck, partner. Take care.

7 --oOo--

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25 PAROLE DENIED TWO YEARS

26 EFFECTIVE DATE OF THIS DECISION SEP 1 8 1997

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 7/22/97

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, S. PALMER, a transcriber, subcontracted by PETERS SHORTHAND REPORTING CORPORATION, do hereby declare and certify under penalty of perjury that I have transcribed the tapes which total two in number and cover a total of pages numbered 1 - 39, and which recording was duly recorded at NORTH KERN STATE PRISON, DELANO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HECTOR HERNANDEZ, CDC No. D-33689, on JULY 22, 1997, and that the foregoing pages constitute a true, complete and accurate transcription of the aforementioned tapes to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the Hearing.

Dated September 8, 1997 at Sacramento,
California.



S. Palmer, Transcriber

EXHIBIT "17"

1 CALIFORNIA BOARD OF PRISON TERMS

2 D E C I S I O N

3 DEPUTY COMMISSIONER FILANGERI: We're back on
4 the record, Mr. Hepburn.

5 PRESIDING COMMISSIONER HEPBURN: All right.
6 Parties have returned to the room. It's 10:46 a.m.
7 Mr. Hernandez, we denied your parole for a two year
8 period. The Panel reviewed all the information
9 received from the public and relied on the following
10 circumstances in concluding that the prison is not
11 suitable for parole and would pose an unreasonable
12 risk of danger to society or a threat to public safety
13 if released from prison. Number one was the
14 commitment offense itself which the Panel finds was
15 carried out in an especially cruel manner, cruel or
16 callous manner. These conclusions are drawn from the
17 Statement of Facts wherein the prisoner went to the
18 home of his drug connection who dealt heroin.
19 Mr. Hernandez had a heroin habit at the time. He went
20 there armed with a sawed-off shotgun, kicked in the
21 door and demanded drugs and shot the victim in the
22 chest with the shotgun, killing him. Regarding his
23 previous record, he did have a significant previous
24 record. On previous occasions, he inflicted or
25 attempted to inflict serious injury on a victim. He
26 had a record of violence or assaultive behavior and an
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 1 12/14/99

1 escalating pattern of criminal conduct or violence.
2 He failed to profit from society's previous attempts
3 to correct his criminality and such attempts included
4 juvenile probation, juvenile camp, CYA and a prior
5 prison term. In fact he had three CYA commitments and
6 one commitment to federal prison and he had a long
7 history of substance abuse, particularly his addiction
8 to heroin which was a factor in the commitment offense
9 itself. Regarding his institutional behavior, he has
10 programmed in a limited manner while incarcerated.
11 He's been fairly disciplinary-free in recent years,
12 however he did have a 115 earlier this year, February
13 of '99 for grooming standards. However a review of
14 that 115 did not indicate any aggravating
15 circumstances involving that. Psychiatric report
16 completed July 1st of '99 by Dr. Reed points out a
17 couple of issues still of concern to the Board. One,
18 there's still a diagnosis of Anti-Social Personality
19 Disorder, however improving. And then it also
20 indicates that probably there is some additional work
21 that needs to be done in the area of the 12 Step
22 program in that Mr. Hernandez's knowledge and
23 application of it is to a certain degree limited at
24 this point. Deputy District Attorney from Fresno
25 County attended the hearing, voice opposition to
26 parole from Mr. Hernandez. And the Panel makes the
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 12/14/99

1 following findings: That the prisoner needs therapy
2 in order to face, discuss, understand and cope with
3 stress in a non-destructive manner. Until progress is
4 made, the prisoner continues to be unpredictable and a
5 threat to others. This is a two year denial as I
6 previously mentioned. In a separate decision the
7 hearing Panel finds that it's not reasonable to expect
8 that parole would be granted at a hearing during the
9 following two years. The specific reasons for this
10 finding are as follows: Number one, the commitment
11 which the Panel finds was carried out in an especially
12 cruel manner. Specifically Mr. Hernandez shot and
13 killed his drug connection in a dispute with a sawed-
14 off shotgun. Also Mr. Hernandez has an extensive
15 history of criminality and misconduct including a long
16 history of arrests going back to the time he was 11
17 years of age, repeated incarcerations in juvenile
18 institutions including three commitments to CYA and
19 one commitment to federal prison. As an adult, he
20 also has a long history of substance abuse, a variety
21 of substances including an addiction to heroin for the
22 last couple of years that he was free prior to his
23 commitment on the life offense. He did have a recent
24 115 this year, although it was not aggravated, but it
25 was a 115 for violating grooming standards. And the
26 recent psychiatric report by Dr. Reed indicates a need
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 12/14/99

1 for a longer period of observation and treatment in a
2 couple of areas. Therefore a longer period of
3 observation or evaluation of the prisoner is required
4 before the Board should find that the prisoner is
5 suitable for parole. And the Panel recommends that
6 the prisoner become disciplinary-free, if available
7 continue to upgrade educationally which he is doing
8 and he should be commended for that and if available,
9 participate in self-help and therapy programming. And
10 that completes the reading of the decision,
11 Mr. Hernandez. Here's a copy. Mr. Ortega, do you
12 have any comments?

13 COMMISSIONER ORTEGA: Nothing.

14 PRESIDING COMMISSIONER HEPBURN: Mr. Filangeri?

15 DEPUTY COMMISSIONER FILANGERI: No, none, thank
16 you.

17 PRESIDING COMMISSIONER HEPBURN: All right.
18 That will complete this hearing then. The time is
19 10:50 a.m. Good luck to you.

20 INMATE HERNANDEZ: May I make a statement?

21 PRESIDING COMMISSIONER HEPBURN: Go ahead.

22 INMATE HERNANDEZ: While I respect your
23 decision-regardless if I don't fully agree with it, I
24 am going to endeavor to comply in every way you know,
25 to bring a satisfactory conditions, eligibility for
26 parole. And excuse me if I speak freely, but it is
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 12/14/99

1 very difficult to do these things and it seems that
2 once I complete them, all these requirements, that
3 I'll probably fly out of here with wings. I'll be
4 pretty much an angel. Otherwise, when I make my
5 decisions, when I'm decided on something, I take under
6 consideration what will be the most good for not only
7 me, but for all involved you know. And there's so
8 much suffering, pain and suffering in not only my
9 life, but my family's life, but in this you know
10 entire country and in our system. And pardon me for
11 saying so, but it appears that (inaudible) somewhat
12 functioning dysfunctionally. But I will do my part to
13 correct and I'm willing to do whatever it is. I would
14 normally request that this Panel and every guest here,
15 person that participated would take into consideration
16 these things and be aware of the condition that our
17 country is in, children killing children and other
18 things and instead of addressing after the fact, after
19 it's been committed, that we would search out for ways
20 of reaching before it comes to that point. And I am
21 willing to do my part and humbly beseeched, request
22 that people would come forward and see a person when
23 they're willing to serve humanity, serve their country
24 and --

25 PRESIDING COMMISSIONER HEPBURN: All right,
26 Mr. Hernandez, thank you for your comments.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 12/14/99

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1 INMATE HERNANDEZ: Thank you for (inaudible) --
2 PRESIDING COMMISSIONER HEPBURN: All right,
3 good luck to you.

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25 PAROLE DENIED TWO YEARS

26 EFFECTIVE DATE OF THIS DECISION DEC 30 1999

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 6 12/14/99

EXHIBIT "18"

BOARD OF PRISON TERMS
PRISONER DECISION FACE SHEET

STATE OF CALIFORNIA

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR

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DAY

Adjusted Period of Confinement..

+ 86 12 22

ate Life Term Begins

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AROLE DATE

MISCELLANEOUS

PAROLE DENIED
ONE YEAR

Panel recommendations and requests:

Become ☒ Remain disciplinary free.

Work towards reducing his/her custody level.

Upgrade ☒ vocationally ☒ educationallyParticipate ☒ self-help ☒ therapy.in ☒ (and)Transfer ☒ Cat. X ☒ Cat. T.

to

ENAL CODE SECTION 3042 NOTICES

X SENT

(Date) 12/14/01

COMMITMENT OFFENSE

187 W/12022.5

MURDER 2ND W/USE F'ARM

(Code Section)

(Title)

3362753

01

(Case Number)

(Count Number)

ate Received by CDC

07/07/86

Date Life Term Begins

12-22-86

Controlling MEPD

08/03/96

ype of Hearing

☐ INITIAL

X SUBSEQUENT (Hearing No.) 3

If Subsequent Hearing, Date of Last Hearing

12-14-99

epartment Representative

S. LEVORSE, C&PR

ounsel for Prisoner

JOHN MCPHERSON

Address

istrict Attorney Representative

NO REP.

County

FRESNO

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

y:

residing (Name)

Date

oncurring (Name)

Date

oncurring (Name)

Date

AME

ERNANDEZ, HECTOR

CDC NUMBER

D33689

INSTITUTION

CTF

CALENDAR

DECEMBER 2001

HEARING DATE

1-29-02

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER RODRIGUEZ: Back on record. All parties are present.

PRESIDING COMMISSIONER ANGELE: This is the matter of Hector Hernandez. Mr. Hernandez, the Panel has reviewed all information received from the public and relied on the following circumstances in concluding that you're not yet suitable for parole and would pose an unreasonable risk of danger to society and threat to public safety if released from prison. The offense was carried out in a violent manner. The offense was carried out in a manner which demonstrates a disregard for human life.

Conclusions are drawn from the Statement of Facts wherein the inmate on 8/15, '85 went to the victim's residence, offered a shotgun for the purpose of purchasing heroin. Inmate had been in previous arguments with the victim in regards to money issues and quality issued of the heroin he was buying. An argument ensued and as a result the inmate shot and killed the victim. Inmate did have an escalating pattern of criminal conduct. He's failed to profit from society's previous attempts to correct his criminality which include juvenile probation, juvenile hall, adult probation, CYA commitment,

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1 county jail, adult probation and a prior federal
2 prison term. Inmate during his incarceration has
3 received 11 128A counseling chronos, last of 6/17 of
4 2000. He's received seven 115s, the last one being
5 2/9, '99 for grooming which means he has had no 115s
6 since his last hearing. The psychological
7 evaluation dated 7/1, '99 by Joe Reed, R-E-E-D, we
8 would consider that as being positive. The prisoner
9 does lack parole plans in that he has no verifiable
10 residential plans in last county of legal residence,
11 however he does have letters indicating that he is
12 going to attempt to find places outside of family
13 residence such as a rehabilitation center and we
14 would commend him for that also. The Panel makes
15 the following finding: Inmate needs additional time
16 in order to fully understand and deal with the
17 causative factors that led to the commitment of the
18 life crime. The prisoner's gains are recent and he
19 must demonstrate an ability to maintain gains over
20 an extended period of time. Nevertheless he should
21 be commended for his work in NA, his 13 week Impact
22 Program of course, his Peer Education and his
23 cumulative disease course. However these positive
24 aspects of his behavior do not outweigh the factors
25 of unsuitability. Mr. Hernandez, denial is for a
26 period of one year. The Panel recommends that you
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 1/29/02

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1 remain disciplinary-free, also become disciplinary-
2 free. The 128s don't do you any good neither,
3 especially the one you had disregarding yard call
4 procedures. I heard what you said about the reason
5 behind it and I do accept part of what you said also
6 but you've still got to do your best to stay away
7 from those also, whatever you can do, and in a
8 misunderstanding like that probably you should have
9 filed a 602 on it, okay. Follow me?

10 INMATE HERNANDEZ: Yes.

11 PRESIDING COMMISSIONER ANGELE: To get it
12 cleaned up for you although I'll be very honest with
13 you. I did not include that in my decision that I
14 made. Commissioner Rodriguez discussed it but it
15 was not part of my decision as far as my rationale.
16 I want you to again become disciplinary-free on the
17 128s and remain disciplinary-free on the 115s and to
18 the same thing you're doing now vocationally,
19 educationally and in self-help therapy programming.
20 I do want to emphasize upon you that it's very very
21 important that you have letters of support from
22 people out there, primarily family people. The
23 significance of what I'm telling you now, you've got
24 to understand you may think it's inconveniencing
25 people. You have brothers, you've got sisters,
26 you've got relatives out there that believe in you.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 1/29/02

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1 Get those letters in here. That's another thing
2 that would help you. The crime you committed, I
3 read -- I took a little bit longer during the recess
4 here to read some more of the crime and I understand
5 how this thing went down. I can understand what
6 probably happened but understand also that you'd
7 gone there in the first place with a shotgun. It
8 gives us an indication that you anticipated some
9 problems. The hearing is conducted based upon what
10 happens at court which means you were found guilty
11 by a jury trial (inaudible) appellate review so
12 that's what we're looking at here. I think you're
13 doing pretty good, you're on the right course, and
14 to be very very honest with you you're a guy that I
15 can see based on the crime that you committed that I
16 could give a date to. You're doing pretty decent
17 and I do wish you good luck. Once again this is for
18 a period of one year and that does conclude the
19 reading of the decision. Commissioner Rodriguez?

20 DEPUTY COMMISSIONER RODRIGUEZ: Yeah,
21 Mr. Hernandez, I want to say briefly we did review
22 the Central File to see that you did get an Olson
23 review which means you got to see your Central File,
24 correct?

25 INMATE HERNANDEZ: Yes, that's correct.

26 DEPUTY COMMISSIONER RODRIGUEZ: When you do

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 1/29/02

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1 that you need to do a thorough review because we
2 cannot give you appropriate credit for having a
3 vocation. Like I said I do see you do have
4 certificates of achievement which are basically
5 components of mill and cabinet. If you do have your
6 certificate of completion as you say you do make
7 sure you get it to your counselor so we can give you
8 appropriate credit, okay. And I want to wish you
9 good luck and I agree with Commissioner Angele. You
10 are on the right track and good luck.

11 INMATE HERNANDEZ: Thank you.

12 PRESIDING COMMISSIONER ANGELE: That does
13 conclude the hearing. Time is approximately 11:08
14 and good luck to you, sir.

15 INMATE HERNANDEZ: Thank you.

16 ATTORNEY MACPHERSON: Are we going to go
17 right into this next hearing?

18 PRESIDING COMMISSIONER ANGELE: Five or ten
19 minutes, yes.

20 --oOo--

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25 PAROLE DENIED ONE YEAR

26 EFFECTIVE DATE OF THIS DECISION

MAR 04 2002

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 1/29/02

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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, DEBBIE OWENS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 44, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HECTOR HERNANDEZ, CDC No. D-33689, on January 29, 2002, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated February 7, 2002 at Sacramento County, California.



Debbie Owens
Transcriber
CAPITOL ELECTRONIC REPORTING

EXHIBIT "19"

BOARD OF PRISON TERMS
PRISONER DECISION FACE SHEET

STATE OF CALIFORNIA

PERIOD OF CONFINEMENT
(RECORDS OFFICER USE ONLY)

Adjusted Period of Confinement..

Date Life Term Begins

Total Large Time.....

PAROLE DATE

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MISCELLANEOUS

YR DENIAL

Panel recommendations and requests:

Become ☒ Remain disciplinary free.

Work towards reducing his/her custody level. (cell study)

Upgrade ☒ vocationally ☒ educationallyParticipate in ☒ self-help (and) ☒ therapy.Transfer to ☐ Cat. X ☐ Cat. T.

PAROLE CODE SECTION 3042 NOTICES

☒ SENT

(Date) 12/18/02

COMMITMENT OFFENSE

P187 W/12022.5
(Code Section)

MURDER 2ND W/USE OF FIRE ARM
(Title)

3362753
(Case Number)

01
(Count Number)

Date Received by CDC
7/7/86

Date Life Term Begins
12-22-86

Controlling MEPSD
8/3/96

Type of Hearing

☐ INITIAL☒ SUBSEQUENT (Hearing No.) #4

If Subsequent Hearing, Date of Last Hearing
01-29-02

Department Representative
J.S. LEVORSE, C&PR

Counsel for Prisoner
DAVID SPOWART

Address

District Attorney Representative
NO REPRESENTATIVE

County
FRESNO

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

by:

Residing (Name)

Leonard J. Munoz

Date

Concurring (Name)

Easter

Date

2/20/03

Concurring (Name)

Date

NAME
HERNANDEZ, HECTOR

CDC NUMBER
D33689

INSTITUTION
CTF

CALENDAR
1/03

HEARING DATE
02-20-03

Community Release Board

State of California

IF PRISONER: PAROLE CONSIDERATION
PROPOSED DECISION (CRB § 2041)

I. ☒ PAROLE DENIED *1 yr*

If this proposed decision denying parole is approved, the Board will send you a copy of the approved decision, including the reasons for denial of parole, within 30 days of the hearing.

I. ☐ PAROLE GRANTED

A. Base Period of Confinement Months

Case No.	Count No.	Offense

B. Firearm Enhancement + Months

C. Other Crimes Total + Months

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

D. Total Term = Months

E. Postconviction Credit From (Date) To (Date) - Months

F. Total Period of Confinement = Months

The period of confinement indicated is a tentative decision proposed by this panel. The decision will be reviewed pursuant to CRB § 2041, and, if approved, a copy of the approved decision will be sent to you within 30 days, and at that time appropriate pre-prison credits will be applied and a parole release date computed.

You will not engage in any conduct specified in CRB § 2451. Such conduct may result in rescission or postponement of your parole.

III. If the proposed decision denying or granting parole is disapproved, you will receive a copy of the decision and the reasons for disapproval. The proposed decision will have no effect and you will be scheduled for another hearing if necessary.

PANEL HEARING CASE

Name	Date
<i>Lois K. Munoz</i>	<i>2/20/03</i>
<i>Glaser</i>	

NAME	CDC NUMBER	INSTITUTION	HEARING DATE
<i>Hernandez, Hector</i>	<i>D33689</i>	<i>CTF</i>	<i>2-20-03</i>

1 CALIFORNIA BOARD OF PRISON TERMS

2 D E C I S I O N

3 DEPUTY COMMISSIONER GARNER-EASTER: We're
4 back on record.

5 PRESIDING COMMISSIONER MUNOZ: All right.
6 Thank you. It's 10 minutes after 10 a.m., and the
7 parole consideration hearing for Inmate Hernandez
8 has resumed. And Mr. Spowart, there was something
9 you wanted to say, sir.

10 ATTORNEY SPOWART: Yes. In my closing
11 argument, I admitted to one point. There is no
12 person here today from the county of commitment,
13 and there is no letter from either the DA or the
14 sheriff or the police. And that would lead me to
15 believe that they are not in -- they are not
16 against my client receiving a date today.

17 PRESIDING COMMISSIONER MUNOZ: All right.
18 Understand that I did mention during the course of
19 the hearing that we had no letters of opposition
20 from any corner, and we certainly considered that
21 during our deliberations. And Mr. Hernandez, this
22 Panel reviewed all information received from the
23 public and relied on the following circumstances in
24 concluding that you're not suitable for parole, and
25 that you would pose an unreasonable risk of danger
26 to society if released from prison at this time.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 1 2/20/03

1 Many factors were considered. First and foremost
2 was the commitment offense and the nature of that
3 offense. This offense was carried out in a cruel
4 manner with a callous disregard for human
5 suffering. And unfortunately one individual, the
6 victim in this case, Mr. Bustos, was killed as a
7 result of your actions. And there were others that
8 were exposed to great risk. Other people were
9 present when you killed Mr. Bustos. You shot him
10 with a shotgun, and they were certainly exposed to
11 great risk. These conclusions are drawn from the
12 Statement of Facts wherein the prisoner, while
13 immersed in a drug lifestyle, he was addicted to
14 heroin at the time of the commitment offense, went
15 to the home of his local supplier, someone he had
16 done business with in the past, to buy some heroin.
17 He claims he armed himself with a shotgun because
18 he had had run-ins with this particular individual,
19 the victim in this case, in the past, or he had
20 been shortchanged either in money or the quality or
21 the amount of the heroin. Apparently he gave
22 someone in the residence some money for some heroin
23 and grew tired of waiting. Forced entry into the
24 apartment. A confrontation followed and -- between
25 the inmate and the victim. The victim had a
26 handgun, apparently, in his waistband. And during
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 2/20/03

1 the confrontation -- during the argument, the
2 inmate grew fearful that the victim would shoot
3 him, and he fired his shotgun at the victim from
4 about seven to eight feet, resulting in the demise
5 of a human being. The inmate fled the location
6 without rendering aid to the victim and did not
7 turn himself in. He was arrested a few days later.
8 The -- As he fled, the victim took the weapon that
9 the -- Excuse me. The inmate took the weapon that
10 the victim had on his waistband. And at the time
11 of the commitment offense, as I indicated, he was
12 going through an unstable period in his life. He
13 was addicted to heroin. His prior criminality
14 includes a number of arrests, primarily property
15 arrest or some violence related arrests. I think
16 only one conviction. You went to CYA for an armed
17 robbery. There -- He has -- The record also
18 reflects some drug-related arrests, a couple of
19 Safety Code violations, and he's failed to profit
20 from society's previous attempts to correct his
21 criminality, which includes juvenile probation,
22 some time in juvenile hall, a CYA commitment, adult
23 probation, some county jail, adult probation, and a
24 prior -- a federal prison term. During this period
25 of incarceration, this inmate has received eleven
26 128(a)s and seven 115s. There were no disciplinary
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 2/20/03

1 citations since his last parole consideration
2 hearing. As a matter of fact, there are none since
3 1999. The most recent psychological evaluation is
4 a good evaluation. And that's the 1999 evaluation
5 by Dr. Reed. It's good and positive. We looked at
6 his parole plans. He does have letters of support
7 and commitment from his parents offering their
8 residence and any support they might be able to
9 give him to complete successful parole. He also
10 has the letter from his defense counsel who is also
11 willing to assist him. There is no firm job offer
12 at this point. And the plans -- And the residency
13 plans do comply with the general or the basic rule
14 to reside in the county of residency at the time of
15 the commitment offense. This Panel makes the
16 following findings, that this inmate needs to
17 continue to participate in self-help programming,
18 any and all that becomes available. He also needs
19 to take part in therapy if any becomes available.
20 And we realize that there's not much available out
21 there as far as therapy is concerned. But if
22 anything should come up, we certainly urge this
23 inmate to take part in that therapy. This Panel
24 feels that the inmate needs to delve deeper into
25 the causation factors involved in the commitment
26 offense. In speaking with him today, we realize
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 2/20/03

1 the inmate is nervous. All inmates are nervous
2 when they come to these hearings. And we -- the --
3 came across in our conversations with this inmate
4 was that he somehow believes that he was acting to
5 protect himself. And we don't think that's the
6 case. The jury didn't think that was the case. He
7 was convicted of murder in the second degree. We
8 do appreciate the gains that he has made, and we
9 certainly hope he continues on that path. He
10 should be commended for his work in AA, his
11 participation in AA and NA, his self-help
12 programming. He's taken part in a 13-week Impact
13 Program in the past. He's taken part with Peer
14 Education. And he's taken -- He took part in the
15 course on communicative disease. However, these
16 positive aspects of his behavior do not outweigh
17 the factors of unsuitability. I should also note
18 that he has completed a vocation, mill and cabinet,
19 and is currently enrolled in the print shop course.
20 This is another one-year denial, Mr. Hernandez.
21 And we recommend that you keep doing what you're
22 doing, sir, remain disciplinary-free. We realize
23 that you're disappointed in the outcome of this
24 hearing. Don't let your disappointment or
25 frustration turn to bitterness. Don't do anything
26 rash or stupid. Stay with the course you're on.
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 2/20/03

1 And if you do that, that bodes well for you. You
2 may have a date in your future. Thank you for
3 being here this morning. Ms. Garner-Easter, any
4 comments you wish to make?

5 DEPUTY COMMISSIONER GARNER-EASTER: I have
6 none.

7 PRESIDING COMMISSIONER MUNOZ: We appreciate
8 your taking part in this hearing, sir. This is
9 your copy. It's 19 minutes after 10 a.m. And that
10 concludes the hearing for Mr. Hernandez.

11 ATTORNEY SPOWART: Thank you.

12 PRESIDING COMMISSIONER MUNOZ: All right,
13 sir. Thank you.

14 --oOo--
15
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17
18
19
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21
22
23
24

25 PAROLE DENIED ONE YEAR

MAY 21 2003

26 FINAL DATE OF THIS DECISION _____

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 6 2/20/03

EXHIBIT "20"

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER HEARING DEBATE AND REASON FACE SHEET

☐ PAROLE GRANTED - (YES)CDC: Do not release prisoner before
Governor's review☒ PAROLE DENIED - (NO) - 1 yrRecords Use Only

Parole Release Date

YR MO DAY

Attach Prison Calculation Sheet

☐ AGREED UNSUITABLE (Attach 1001A Form) FOR: _____ YEAR(S)☐ HEARING POSTPONED/REASON: _____

PANEL RECOMMENDATIONS AND REQUESTS

The Board Recommends:

- | | |
|---|--|
| <input type="checkbox"/> No more 115's or 128A's | <input type="checkbox"/> Stay discipline free |
| <input type="checkbox"/> Work to reduce custody level | <input type="checkbox"/> Learn a trade* |
| <input type="checkbox"/> Get self-help* | <input type="checkbox"/> Get therapy* |
| | <input type="checkbox"/> Earn positive chronos |
| | <input type="checkbox"/> Get a GED* |

☐ Recommend transfer to _____☐ Other _____

*These programs are recommended if they are offered at your prison and you are eligible/able to participate.

Penal Code 3042 Notices

☒ Sent Date: APRIL 28, 2004

Commitment Offense(s) 187/12022.5

Code(s)

3362753

Case #(s)

MURDER 2ND W/USE OF FIRE ARM

Crime(s)

1

Count #(s)

Date Inmate Came to CDC
7/7/86Date Life Term Began
12/22/86Minimum Eligible Parole Date
8/3/96☐ Initial Hearing☒ Subsequent (Hearing No.) 5

Date of Last Hearing _____

CDC Representative

Attorney for Prisoner

Address

D.A. Representative

County FRESNO

This form and the Board's decision at the end of the hearing is only proposed and NOT FINAL. It will not become final until it is reviewed.

Chair

Susan Linder

Date

7/11

Panel Member

Date

11/11

Panel Member

Date

1/104

HERNANDEZ, HECTOR D-33689

CTE-SOLEDAD CALENDAR

/ / DATE

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

SETTING A LIFE PRISONER TERM - PAROLE DENIED

11. NOTE TO CDC STAFF: RECOMMENDATIONS AND REQUESTS

☒ 3. the panel's belief that the prisoner's current mental health is an important issue. In the new full evaluation, the panel requests that the clinician specifically address the following:

☒ a. the prisoner's violence potential in the free community;

☒ b. the significance of alcohol/drugs as it relates to the commitment offense and an estimate of the prisoner's ability to refrain from use/abuse of same when released;

☐ c. the prisoner's psycho-sexual problems;

☒ d. the extent to which the prisoner has explored the commitment offense and come to terms with the underlying causes;

Insight and victim impact

☐ e. the need for further therapy programs while incarcerated.

☐ f. other: _____

☐ 4. the panel's belief that the prisoner has deteriorated psychologically and there appears to be a need for treatment. The panel bases this conclusion upon _____

☐ B. (Other requests to CDC staff): _____

J. Fisher BPT
7/1/04

Hernandez

D. 33089

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CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER LOPEZ: Okay, we're back on record.

PRESIDING COMMISSIONER FISHER: All right. I want to note for the record that everyone who was previously in the room and identified themselves, has returned to the room. And, Mr. Hernandez, I'm going to read the decision into the record. This is going to be a one-year denial, but I want to tell you that we really struggled over this, and we just thought that there were some loose ends that needed to be addressed. You're doing a really good job and I don't want you to be discouraged by this. You have to understand that if a Panel does a finding of suitability that everything is going to be gone over with a fine tooth comb and we feel that there are some issues that you need to address over the next year. In concluding that you're not suitable for parole, we reviewed all of the information received from the public and relied on the following circumstances in deciding that we felt that you would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. And obviously the

HECTOR HERNANDEZ D-33689 DECISION PAGE 1 7/1/04

1 commitment offense was one of the first things
2 that we looked at. This was a very callous
3 offense and the motive for this crime was very
4 trivial and was related to a drive-by. This was a
5 situation where you went to this man's home and
6 you went there armed. You stated previously that
7 you thought that he'd been pinching your buys when
8 you were buying heroin from him before. So, you
9 know, there's certainly an indication that you
10 went there with the gun because of that belief
11 that he'd been pinching your buys, and you said
12 that you believed that he had a gun, but all of
13 the witnesses said that there was only one shot.
14 So this man was shot in his own home with
15 apparently no provocation on his part, you were
16 not shot at according to witnesses. And then
17 following the crime you disposed of your weapon
18 and stated that you believed that he had shot
19 first, but you also disposed of the gun that was
20 owned by him so there was no way for the police or
21 anyone else to determine that his weapon had or
22 had not been shot. So the evidence was disposed
23 of and there was no way to really check your
24 story. During the commission of this crime, there
25 were several other people around who were exposed
26 to danger who could have been shot accidentally
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 2 7/1/04

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1 because of the fact that you were shooting at the
2 victim, Mr. Bustos. The inmate certainly has an
3 escalating pattern of criminal conduct. He has
4 quite a lengthy history beginning as a juvenile
5 back in 1970. He has failed to profit from
6 society's previous attempts to correct his
7 criminality and such attempts include Juvenile
8 Hall, wardship, juvenile probation, and even a
9 stay in federal prison. His unstable social
10 history includes the prior criminality that I
11 mentioned as well as heroin addiction. You have
12 programmed well though. You have done a good job
13 with your program. And apparently you have not
14 only taken advantage of the opportunities that
15 have been available to you, but you've also taken
16 the opportunity to help other people with their
17 programming, and I want to commend you for that.
18 We both feel that you've done a good job of using
19 the situation that you find yourself in to the
20 best of your ability. He has had 11 128
21 counseling chronos since his incarceration for
22 this commitment offense, the last one was in 2000.
23 There have been seven 115s and the last one was
24 back in 1999. There are some concerns with some
25 of the statements in the psychiatric evaluation.
26 Although parts of it are quite supportive, there
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 3 7/1/04

1 are other parts that are open to question, and we
2 are going to be ordering a new psych report. The
3 first thing that we want to note and ask to have
4 the new psych report evaluate is that in this
5 psych report under current diagnostic impressions
6 under Axis II it notes Antisocial Personality
7 Disorder Improving. And under review of life
8 crime it says that the inmate demonstrated limited
9 empathy for the victim whom he related to as a
10 drug dealer and somewhat more empathy for the
11 victim's family, although it does state that he
12 appears to be penitent for his crimes. The
13 prisoner has parole plans. He has offers of
14 residence and support. However, he doesn't have
15 -- doesn't have really viable employment plans.
16 You certainly don't need to have a job in order to
17 get a parole date, but you do need to have
18 workable plans, and I'm going to suggest to you
19 that you look in the area of your residence that
20 you would parole out to, get hold of a phone book
21 for that area and write some letters to businesses
22 there where you might be able to send resumes and
23 potentially get an offer of a job fairly quickly
24 after being paroled. It also wouldn't hurt for
25 you to go ahead and have your friend look into
26 some of the residential programs that you talked
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 4 7/1/04

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1 about and get some letters back from them stating
2 what the program is and that it would be
3 acceptable to them to have you parole into one of
4 their programs. Then you need to get some solid
5 plans for supporting yourself. And I commend you
6 that you want to go out and do the peer support
7 and the peer counseling kinds of things, but I
8 have to tell you that it's going to be tough to
9 find those kinds of positions out there where you
10 can get paid and support yourself. So you need to
11 have day job, you need to have something in mind
12 that you can do to pay the bills in order to be
13 able to do the volunteer work that you want to do.
14 The Hearing Panel notes that in response to 3042
15 Notices, the District Attorney of Fresno County
16 indicated an opposition to a finding of
17 suitability at this time. And we do want to
18 commend you for the work that you've done here.
19 Once again you've done a good job with your
20 programming. You've completed graphic arts,
21 you've completed mill and cabinet. You got your
22 GED back in '92. You've been -- you were involved
23 in the Inmate Peer Education program back in '91,
24 and you've been disciplinary free since '99. Once
25 again, there are just some things that you need to
26 dot the I's and cross the T's on and you just need
27 HECTOR HERNANDEZ D-33689 DECISION PAGE 5 7/1/04

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1 to continue doing what you're doing as far as your
2 program goes. Currently the positive aspects do
3 not outweigh the factors of unsuitability. The
4 Panel recommends that you continue to upgrade
5 vocationally and educationally anyway you can just
6 because it's a good thing for you to do. Continue
7 to participate in self-help, certainly you know
8 that the NA program, the substance abuse programs,
9 those kinds of things are lifetime commitments.
10 And cooperate in the completion of a new psych
11 report. And that completes the reading of the
12 decision. Do you have any comments, Commissioner?

13 DEPUTY COMMISSIONER LOPEZ: No. I wish you
14 luck, sir.

15 PRESIDING COMMISSIONER FISHER: Good luck,
16 sir. That completes the hearing --

17 ATTORNEY TARDIFF: (Inaudible).

18 PRESIDING COMMISSIONER FISHER: Yes, I'm
19 sorry it's sitting right here. That completes the
20 hearing. It's approximately 9:20.

21 --oOo--

22

23 PAROLE DENIED ONE YEAR

24 THIS DECISION WILL BE FINAL ON: OCT 29 2004.

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 HECTOR HERNANDEZ D-33689 DECISION PAGE 6 7/1/04

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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, WENDY THOMAS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 58, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY at SOLEDAD, CALIFORNIA in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HECTOR HERNANDEZ, CDC No. D-33689, on JULY 1, 2004 and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated July 20, 2004 at Sacramento County, California.

Wendy Thomas
Wendy Thomas
Transcriber
CAPITOL ELECTRONIC REPORTING

EXHIBIT "21"

BOARD OF PAROLE HEARINGS
DECISION PROCESSING AND SCHEDULING UNIT

P.O. Box 4036
Sacramento, CA 95812-4036



October 20, 2006

Hector Hernandez D-33689
Correctional Training Facility
Highway 101N
Soledad, CA 93960

Dear Mr. Hernandez:

Your parole consideration hearing was conducted on June 8, 2006. Decision Review is completed and the final decision date of your hearing is October 6, 2006. The decision has been approved by the California Department of Corrections and Rehabilitation, Board of Parole Hearings.

The decision finding you suitable for parole may be subject to review by the Governor.

Attached is the last "Decision Page" with the stamped final date and a front cover sheet to your transcript. Please incorporate these pages in your copy of the hearing transcript.

Sincerely,

A handwritten signature in cursive script that reads "Sandra D. Maciel".

SANDRA D. MACIEL
Chief, Decision Processing
and Scheduling Unit

cc: Institution Records Office

Enclosure

Pk

DECLARATION OF SERVICE BY MAIL

CASE NAME: HERNANDEZ v. SCHWARZENEGGER

CASE NO. : To be assigned

I, Hector Hernandez, declare that I am over the age of eighteen (18) years; I am / ~~XXXX~~ a party to the attached action; I served the attached document entitled:

WRIT OF HABEAS CORPUS WITH EXHIBITS

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and surrendering said envelope(s) to the staff of the Correctional Training Facility entrusted with the logging and mailing of inmate legal mail addressed as follows:

**Bill Lockyer
Attorney General
450 Golden Gate Ave., #11000
San Francisco, CA 94102**

There is First Class mail delivery service by the United States Post Office between the place of mailing and the addresses indicated above. I declare under the penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that I executed this service this 25 day of DECEMBER ~~JANUARY~~, 2006, in Soledad, CA.

Hector Hernandez
Declarant